

000FORM PTO-1390  
REV. 2/01T

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

CUSTOMER NO. 22,852

ATTORNEY'S DOCKET NUMBER

01197.0247

U.S. APPLICATION NO.  
(If known, see 37CFR 1.5)**10/523008**

INTERNATIONAL APPLICATION NO.

PCT/JP2003/013134

INTERNATIONAL FILING DATE

October 14, 2003

PRIORITY DATE CLAIMED

October 15, 2002

TITLE OF INVENTION

1-SUBSTITUTED-4-NITROIMIDAZOLE COMPOUND AND METHOD FOR PREPARING THE SAME

APPLICANT(S) FOR DO/EO/US


Fumitaka GOTO, Noriaki TAKEMURA, Tadaaki OTANI, Takeshi HASEGAWA, Hidetsugu TSUBOUCHI, Naoto UTSUMI, Shigekazu FUJITA, Hideaki KURODA, Takuya SHITSUTA, and Hirofumi SASAKI

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau.
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
  - a. ☒ Copy of cover page of International Publication No. WO 2004/035547 A1
  - b. ☐ Copy of Notification of Missing Requirements.
  - c. ☐

U.S. APPLICATION NO. (If known, see 37CFR 1.5) <b>10/523008</b>		INTERNATIONAL APPLICATION NO. PCT/JP2003/013134		ATTORNEY'S DOCKET NUMBER 01197.0247	
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> <span style="float: right;"><b>\$300.00</b></span> National Stage Search Fee.....\$500.00 National Stage Examination Fee.....\$200.00  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				Applicant Use	Office Use Only
				\$300.00	
				\$500.00	
				\$200.00	
				\$1000.00	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of additional 50 or fraction thereof (rounded up to a whole number)	Rate		
189- 100 =	89/50=	2	x 250.00	\$500.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	16	- 20 =	x \$50.00	\$	
Independent Claims	14	-3 =	x \$200.00	\$2200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+\$360.00	\$
<b>TOTAL OF THE ABOVE CALCULATIONS =</b>				\$3700.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				\$	
<b>SUBTOTAL =</b>				\$3700.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)). <span style="float: right;"><input type="checkbox"/> 20 <input type="checkbox"/> 30</span>				\$	
<b>TOTAL NATIONAL FEE =</b>				\$3700.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$40.00	
<b>TOTAL FEES ENCLOSED =</b>				\$3740.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>3740.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
<b>SEND ALL CORRESPONDENCE TO:</b> Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315					
DATED: February 1, 2005				<div style="text-align: center;">             SIGNATURE            Ernest F. Chapman Reg. No. 25,961            NAME/REGISTRATION NO.         </div>	